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By: **Senator Colburn**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County - Board of Education - Membership**

3 FOR the purpose of requiring that members to the Dorchester County Board of  
4 Education be elected; establishing a procedure for the election of members to the  
5 Dorchester County Board of Education; establishing a certain term of office for  
6 elected members; authorizing the County Council to appoint a certain member  
7 of the County Board; providing for the removal of members under certain  
8 circumstances; providing for certain student nonvoting members; providing a  
9 procedure for filling a vacancy on the County Board; providing that certain  
10 voting members shall be the president and vice president of the County Board;  
11 providing for the compensation of the members of the County Board; requiring  
12 the County Board to meet at certain intervals; providing for the termination of  
13 the terms of the appointed members of the County Board; providing for the  
14 effective date of certain provisions of this Act; providing for the termination of  
15 certain provisions of this Act; and generally relating to the Dorchester County  
16 Board of Education.

17 BY repealing and reenacting, with amendments,  
18 Article - Education  
19 Section 3-114(a)  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Education  
24 Section 3-114(a)  
25 Annotated Code of Maryland  
26 (2001 Replacement Volume and 2002 Supplement)  
27 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

28 BY renumbering  
29 Article - Education  
30 Section 3-5A-01 through 3-5A-05, respectively, and the subtitle "Subtitle 5A.  
31 Frederick County"

1 to be Section 3-5B-01 through 3-5B-05, respectively, and the subtitle "Subtitle  
2 5B. Frederick County"  
3 Annotated Code of Maryland  
4 (2001 Replacement Volume and 2002 Supplement)

5 BY adding to  
6 Article - Education  
7 Section 3-5A-01 through 3-5A-05, inclusive, to be under the new subtitle  
8 "Subtitle 5A. Dorchester County"  
9 Annotated Code of Maryland  
10 (2001 Replacement Volume and 2002 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Education**

14 3-114.

15 (a) In the following counties, the members of the county board shall be elected:

- 16 (1) Allegany;  
17 (2) Calvert;  
18 (3) Carroll;  
19 (4) Charles;  
20 (5) DORCHESTER;  
21 (6) Frederick;  
22 [(6)] (7) Garrett;  
23 [(7)] (8) Howard;  
24 [(8)] (9) Kent;  
25 [(9)] (10) Montgomery;  
26 [(10)] (11) St. Mary's;  
27 [(11)] (12) Somerset;  
28 [(12)] (13) Washington; and  
29 [(13)] (14) Worcester.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3

**Article - Education**

4 3-114.

5 (a) In the following counties, the members of the county board shall be elected:

6 (1) Allegany;

7 (2) Calvert;

8 (3) Carroll;

9 (4) Charles;

10 (5) DORCHESTER;

11 (6) Frederick;

12 [(6)] (7) Garrett;

13 [(7)] (8) Howard;

14 [(8)] (9) Kent;

15 [(9)] (10) Prince George's;

16 [(10)] (11) Montgomery;

17 [(11)] (12) St. Mary's;

18 [(12)] (13) Somerset;

19 [(13)] (14) Washington; and

20 [(14)] (15) Worcester.

21 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 3-5A-01  
22 through 3-5A-05, respectively, and the subtitle "Subtitle 5A. Frederick County" of  
23 Article - Education of the Annotated Code of Maryland be renumbered to be  
24 Section(s) 3-5B-01 through 3-5B-05, respectively.

25 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
26 read as follows:

1 **Article - Education**

## 2 SUBTITLE 5A. DORCHESTER COUNTY.

3 3-5A-01.

4 (A) THE DORCHESTER COUNTY BOARD CONSISTS OF:

5 (1) SEVEN VOTING MEMBERS AS FOLLOWS:

6 (I) ONE MEMBER ELECTED FROM EACH OF THE FIVE  
7 COUNCILMANIC DISTRICTS;

8 (II) ONE MEMBER ELECTED FROM THE COUNTY AT LARGE;

9 (III) ONE MEMBER APPOINTED BY THE COUNTY COUNCIL FROM  
10 THE COUNTY AT LARGE; AND11 (2) ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH  
12 SCHOOL IN THE COUNTY.13 (B) THE ELECTED MEMBERS OF THE DORCHESTER COUNTY BOARD SHALL BE  
14 ELECTED:

15 (1) AT THE GENERAL ELECTION; AND

16 (2) IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW  
17 ARTICLE.18 (C) (1) (I) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT SHALL  
19 BE A RESIDENT OF THE DISTRICT.20 (II) A MEMBER ELECTED OR APPOINTED FROM A COUNCILMANIC  
21 DISTRICT WHO NO LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A  
22 MEMBER OF THE COUNTY BOARD.23 (2) (I) A MEMBER ELECTED OR APPOINTED FROM THE COUNTY AT  
24 LARGE SHALL BE A RESIDENT OF THE COUNTY.25 (II) A MEMBER AT LARGE WHO NO LONGER RESIDES IN THE  
26 COUNTY MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD.27 (D) (1) EACH VOTING MEMBER SERVES FOR A TERM OF 4 YEARS, BEGINNING  
28 ON JANUARY 1 AFTER THE MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A  
29 SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.30 (2) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN THREE  
31 CONSECUTIVE TERMS.

32 (E) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS FOLLOWS:

1 (1) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC  
2 DISTRICTS 1 AND 2 AT THE 2004 GENERAL ELECTION, AND EVERY 4 YEARS  
3 THEREAFTER;

4 (2) ONE MEMBER ELECTED FROM THE COUNTY AT LARGE AT THE 2004  
5 GENERAL ELECTION, AND EVERY 4 YEARS THEREAFTER;

6 (3) ONE MEMBER APPOINTED BY THE COUNTY COUNCIL FROM THE  
7 COUNTY AT LARGE BY DECEMBER 1, 2004 AND EVERY 4 YEARS THEREAFTER; AND

8 (4) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC  
9 DISTRICTS 3, 4, AND 5 AT THE 2006 GENERAL ELECTION, AND EVERY 4 YEARS  
10 THEREAFTER.

11 (F) (1) THE COUNTY COUNCIL MEMBER OF THE COUNCILMANIC DISTRICT  
12 IN WHICH A VACANCY OCCURS SHALL APPOINT A NEW MEMBER TO FILL A VACANCY  
13 ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL A  
14 SUCCESSOR IS ELECTED AND QUALIFIES.

15 (2) A RESIDENT OF THE COUNCILMANIC DISTRICT IN WHICH A VACANCY  
16 EXISTS MAY APPLY TO THE COUNTY COUNCIL TO FILL THE VACANCY.

17 (3) THE COUNTY COUNCIL SHALL ADOPT RULES FOR THE APPLICATION  
18 PROCEDURE TO FILL A VACANCY ON THE COUNTY BOARD.

19 (G) (1) EACH STUDENT MEMBER SHALL:

20 (I) BE A 12TH GRADE STUDENT IN THE DORCHESTER COUNTY  
21 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC  
22 SCHOOL WHICH THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES  
23 ESTABLISHED BY THE SCHOOL SYSTEM;

24 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE  
25 ELECTION OF THE MEMBER;

26 (III) BE A NONVOTING MEMBER; AND

27 (IV) ADVISE THE BOARD ON THE INTERESTS OF STUDENTS.

28 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A  
29 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBERS MAY NOT ATTEND AN  
30 EXECUTIVE SESSION.

31 3-5A-02.

32 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR  
33 ANY OF THE FOLLOWING REASONS:

34 (1) IMMORALITY;

35 (2) MISCONDUCT IN OFFICE;

1 (3) INCOMPETENCY;

2 (4) WILLFUL NEGLECT OF DUTY; OR

3 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE:

4 (I) AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE BOARD  
5 IN ANY 1 CALENDAR YEAR; OR

6 (II) THREE CONSECUTIVE SCHEDULED MEETINGS OF THE BOARD.

7 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE  
8 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER  
9 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

10 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

11 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A  
12 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE  
13 MEMBER A NOTICE OF THE HEARING; AND

14 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
15 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,  
16 OR BY COUNSEL.

17 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE  
18 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR DORCHESTER COUNTY.  
19 3-5A-03.

20 (A) THE MEMBER ELECTED BY THE COUNTY AT LARGE SHALL BE THE  
21 PRESIDENT OF THE COUNTY BOARD.

22 (B) THE MEMBER APPOINTED BY THE COUNTY COUNCIL SHALL BE THE VICE  
23 PRESIDENT OF THE COUNTY BOARD.

24 3-5A-04.

25 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE VOTING MEMBERS  
26 SHALL RECEIVE COMPENSATION AS SET BY THE COUNTY COUNCIL.

27 (B) (1) THE SALARY OF EACH VOTING MEMBER OF THE COUNTY BOARD  
28 SHALL BE AT LEAST \$3,200.

29 (2) THE SALARY OF THE PRESIDENT OF THE COUNTY BOARD SHALL BE  
30 AT LEAST \$3,600.

31 3-5A-05.

32 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

1 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS  
2 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC  
3 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE  
4 PUBLIC.

5 (C) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN  
6 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

7 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the  
8 appointed members of the Dorchester County Board expire as follows:

9 (a) (1) The terms of appointed members from councilmanic district 1 which  
10 were scheduled to expire on June 30, 2005 and June 30, 2007 shall terminate at the  
11 end of December 31, 2004; and

12 (2) The term of the appointed member from councilmanic district 2  
13 which was scheduled to expire on June 30, 2006 shall terminate at the end of  
14 December 31, 2004.

15 (b) (1) The term of the appointed member from councilmanic district 3  
16 which was scheduled to expire on June 30, 2003 shall terminate at the end of  
17 December 31, 2006;

18 (2) The term of the appointed member from councilmanic district 4  
19 which was scheduled to expire on June 30, 2005 shall terminate at the end of  
20 December 31, 2006; and

21 (3) The term of the appointed member from councilmanic district 5  
22 which was scheduled to expire on June 30, 2004 shall terminate at the end of  
23 December 31, 2006.

24 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
25 take effect on the taking effect of the termination provision specified in Section 20 of  
26 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision  
27 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.  
28 This Act may not be interpreted to have any effect on that termination provision.

29 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions  
30 of Section 6 of this Act, this Act shall take effect October 1, 2003.